

Serial No. 10/602,286
60130-1705; 03MRA0130

REMARKS

Claims 1-22 have been rejected as being anticipated by Tauney (U.S. 4,679,841). Claim 1 requires a first segment and a second segment fixed relative to the first segment and a spring assembly pivotally attached to the first segment at a spring pivot and biasing the second segment directly into contact against the vehicle closure member. Claim 11 requires a second segment fixed relative to a first segment where the second segment is biased directly into contact against the vehicle closure member.

The Tauney "*second segment*", identified by Examiner as a portion of plate (9), does not bias directly into contact against the vehicle closure member as is required by amended claims 1 and 11. The office action however states that the second segment does directly contact the closure member through intermediate parts. The Examiner argues that one or several pieces may compose "an arm".

However, the claims require the first and second segments of the arm to be fixed relative to each other, and that the second segment is biased directly into contact against the vehicle closure member. The intermediate members (12 and 15) cannot meet the directly into contact limitation. Further, the claims require that the second segment is fixed relative to the first segment. The movable intermediate members (12 and 15) of Tauney cannot meet this limitation and therefore cannot anticipate claims 1 and 11.

Claim 20 includes the limitation of a roller directly attached to the second segment for contacting the vehicle closure member. Tauney does not include a roller directly attached to a second segment of an arm. Instead, Tauney discloses roller attached to other movable links, none of which meet the limitations of a second segment. Accordingly, Tauney cannot anticipate claim 20.

Additionally, several of the dependent claims include limitations not disclosed or suggested by Tauney. Claim 4 and 13 require an extension portion extending transversely from and fixed relative to the second segment and into direct contact with the vehicle closure member. The movable links (12 and 14) of Tauney are not fixed relative to the second segment and therefore cannot anticipate the limitations of claims 4 and 13.

Claims 8 and 17 require a roller directly attached to the second segment. The "*second segment*" disclosed in Tauney as read by the Examiner does not include a roller directly attached. Accordingly, Tauney cannot anticipate the limitations of claims 8 and 17.

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All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,
CARLSON, GASKEY & OLDS, P.C.



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Dated: July 18, 2006